

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ETHAN JEROME MOORE,

Petitioner,

v.

Case No. 5:20-cv-00857

D. L. YOUNG,

Respondent.

MEMORANDUM OPINION AND ORDER
SEALING EXHIBIT

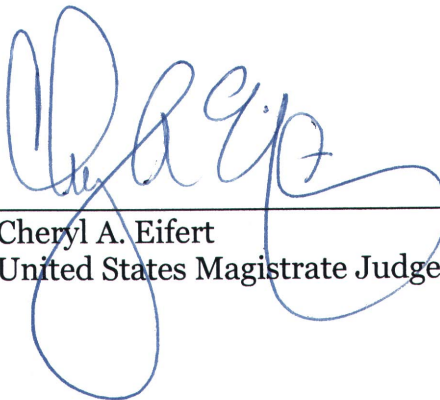
Pending before the Court is Respondent's Motion to Seal, requesting the attached Exhibit B to Respondent's Response be filed as sealed. (ECF No. 10). The Court notes that the attached exhibit contains confidential information. Due to the confidential nature of the information contained in Exhibit B, and the requirement that such information not be published, this Court **ORDERS** the Clerk to file Exhibit B to Respondent's Response as sealed. (ECF No. 10-2).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the attached exhibit shall be sealed

and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the nature of the information set forth in the document, alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing Exhibit B does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Petitioner and counsel of record.

ENTERED: March 30, 2021



Cheryl A. Eifert
United States Magistrate Judge